

# Notice of Allowability

Application No.

09/756,481

Examiner

Stephen Gucker

Applicant(s)

MARCHIONNI ET AL.

Art Unit

1647

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to 7/21/04.
2. ☒ The allowed claim(s) is/are 1-4 and 27, renumbered as 1-5, respectively.
3. ☐ The drawings filed on \_\_\_\_\_ are accepted by the Examiner.
4. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a) ☐ All b) ☐ Some\* c) ☐ None of the:
    1. ☐ Certified copies of the priority documents have been received.
    2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
    3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\* Certified copies not received: \_\_\_\_\_.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

**THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

5. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
  6. ☒ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
    - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
      - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date \_\_\_\_\_.
    - (b) ☒ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date \_\_\_\_\_.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
7. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

## Attachment(s)

1. ☐ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO-1449 or PTO/SB/08), Paper No./Mail Date \_\_\_\_\_
4. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material
5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☐ Interview Summary (PTO-413), Paper No./Mail Date \_\_\_\_\_
7. ☒ Examiner's Amendment/Comment
8. ☐ Examiner's Statement of Reasons for Allowance
9. ☐ Other \_\_\_\_\_

*Brenda Brumback*  
**BRENDA BRUMBACK**  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 1600

### **EXAMINER'S AMENDMENT**

1. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it **MUST** be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Jeffrey D. Hsi 10/06/04.

2. Fig.1 should be re-submitted as a formal drawing which is darker, without broken lines, and formally labeled instead of hand-written.

An examiner's amendment to the record appears below.

In the claims:

1. ( Currently Amended) A method of promoting neuronal fiber outgrowth or neuronal survival of cerebellar granule cells comprising administering to a mammal in need of promoting neuronal fiber outgrowth or neuronal survival of cerebellar granule cells suffering from or susceptible to nerve cell death or degeneration a therapeutically effective amount of GDF-1 (SEQ ID NO:2) ~~or a nucleic acid encoding GDF-1 or a fragment or derivative thereof.~~

2. ( Currently Amended) A method of claim 1, wherein the mammal has suffered brain or spinal cord trauma, brain or spinal cord ischemia, ~~retinal ischemia,~~ hypoxia or hypoglycemia.

3. ( Currently Amended) A method of claim 1 or 2 wherein GDF-1 (SEQ ID NO:2) ~~, or a nucleic acid encoding GDF-1~~ is administered after the mammal has suffered nerve cell death or degeneration.

4. ( Currently Amended) A method of claim 1 or 2 wherein GDF-1 (SEQ ID NO:2) ~~, or a nucleic acid encoding GDF-1~~ is administered to the mammal for at least two weeks after the mammal has suffered nerve cell death or degeneration.

5-26 (cancelled).

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27. (Currently Amended) <sup>The</sup> A method of claim 26 1 or 2, wherein the administered  
<sup>the nucleic acid of</sup>  
GDF-1 is encoded by SEQ ID NO:1.

28-41(cancelled).

3. Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Technical Center 1600 general number which is (571) 272-1600.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Stephen Gucker whose telephone number is (571) 272-0883. The examiner can normally be reached on Monday to Friday from 0930 to 1800. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Brenda Brumback, can be reached at (571) 272-0961. The fax phone number for this Group is currently (703) 872-9306.

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Stephen Gucker

October 7, 2004